



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,319	07/14/2003	Timothy Fleming	37515/277980	7300

23370 7590 10/26/2004

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,319

Applicant(s)

FLEMING, TIMOTHY

ST

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The affidavit under 37 C.F.R. 1.131 has been received but has not been considered as Grimes is not used in the new grounds of rejection set forth below.

Drawings

2. The formal drawings filed September 20, 2004 have NOT been approved as figures 1 and 7 contain new matter. The new matter in figure 1 is the manner in which applicant presents receptacles 30, is the 5 small circles in two of the deck sections and is the design of the transom plate. The receptacles shown in figure 1 filed September 20, 2004 are of a different design than the receptacles shown in the drawings as originally filed. The drawings as originally filed also do not show the 5 small circles in two of the sections of the deck. Finally, the plate shown in figure 1 of the drawings as originally filed is not of sufficient clarity to support the design of the plate shown in figure 1 as filed September 20, 2004.

The new matter in figure 7 is the shape and design of the receptacle 110 and the plate 106. The drawings as originally filed did not show the plate and receptacle with sufficient clarity to support the design of the plate and receptacle shown in figure 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3617

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyne.

Hyne discloses a boat comprising:

- a. a deck 19 including a receptacle 24, and
- b. an accessory (11, 12, 13, 14, 15) firmly connected to the deck but removable therefrom, the accessory being fitted into the receptacle in use and including a quick-release fastener 28 received by the receptacle in use.

Hyne also discloses a boat further comprising at least one buoyancy tube shown in figure 1.

Hyne also discloses a boat further comprising a transom to which the rudder is attached and to which an outboard motor may be mounted. The mast support including tube 12, support member 13 and struts 14 and 15 is considered to be a console.

Hyne also discloses a boat means (stringers 11) for connecting the console to any outboard motor mounted to the transom.

An outboard motor mounted to the transom will be connected to the console through the inflatable tube, the floor 19 and the stringers 11.

The plate incorporated into the deck is plate 24. Plate 24 forms the receptacle and therefor the receptacle is included in the plate.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Harding.

Hyne discloses that the deck is of sections, but does not disclose that the deck is removable and that the sections are foldable. Harding discloses a deck of removable and foldable sections-see column 1, lines 23-25 and column 4, lines 61-end.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify the sections of the deck of Hyne to be foldable similar to how the deck sections of Harding are foldable and to be removable similar to how the deck sections of Harding are removable. Motivation to do so can be found in the last 8 lines of column 4 of Harding.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Goldsmith.

Hyne does not disclose the accessory as being a seat structure with a seat and a container fuel tank.

Goldsmith discloses an accessory for an inflatable boat which is a seat that is a fuel tank container.

Art Unit: 3617

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a seat container similar to that of Goldsmith to the dinghy of Hyne using the receptacle and fastener system of Hyne to removably attached the seat container to the dinghy. Motivation to do so is to provide a seat to the dinghy of Hyne which is versatile due to the seat being also useful as a fuel tank.

8. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of McCrory et al.

Hyne does not disclose the D ring. McCrory et al discloses D ring 88 connected directly or indirectly to the deck for connecting an accessory thereto, a plate 94 to which the D ring is attached, a bottom plate 96 positioned underneath the deck 26 and a fastener adhesive for connecting the plate to the bottom plate.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a D ring similar to 88 of McCrory et al to the deck 19 of Hyne using a plate, bottom plate and fastener similar to those of McCrory et al to connect the D ring directly or indirectly to the deck. Motivation to do so is to provide a D ring to the deck of Hyne for tying down cargo in the dinghy.

The D ring provided to Hyne would not project slightly above the deck when not in use; however to have it do so would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains in order to make it accessible and yet, keep it out of the way.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyne in view of Harding.

Hyne does not disclose a method of making an inflatable boat having a length more compact for storage or transport, comprising:
deflating an inflatable element;
disconnecting at least one accessory from a deck spanning substantially the length of the boat; and
removing the deck.

Hyne does disclose his deck 19 spanning substantially the length of the boat and does disclose at least one accessory removably attached to the deck. Harding discloses removing his deck and deflating his inflatable elements. In view of the teaching of Harding (see column 4, lines 61-end), it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to deflate the inflatable element of Hyne, disconnect the accessory from the deck and remove the deck. Motivation to do so is to store the boat, accessory and deck for transport.

Response to Arguments


10. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
10/15/04

sdb
10/19/04